

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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WAUSAU UNDERWRITERS INSURANCE  
COMPANY a/s/o HOSPITALITY WEST, LLC.,

Plaintiff,

v.

ORDER  
11-CV-819A

THE OSBORNE TRANSFORMER CORPORATION  
and CHECK CORPORATION,

Defendant.

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The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On November 15, 2013, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that motions by defendant The Osborne Transformer Company and defendant Check Corporation to dismiss the complaint for lack of personal jurisdiction, and defendant The Osborne Transformer Corporation's motion to dismiss Check Corporation's cross-claim for lack of personal jurisdiction be denied, without prejudice.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendants' motions to dismiss the complaint for lack of personal jurisdiction and defendant The Osborne Transformer Corporation's motion to dismiss Check Corporation's cross-claim

for lack of personal jurisdiction are denied, without prejudice.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: December 5, 2013